

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

IN RE: SCOTTIE O'NEIL McDONALD

CASE NO. 1:01-bk-90070M  
CHAPTER 7

KELLY MITCHELL EWING

PLAINTIFF

VS.

AP NO. 1:02-ap-7024

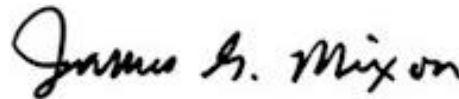
SCOTTIE O'NEIL McDONALD

DEFENDANT

ORDER

The Debtor has filed a second motion for summary judgment on the grounds that the plaintiff's complaint is barred under the principles of judicial estoppel. Whether judicial estoppel is applicable in this case depends, in part, upon resolution of material facts which are in dispute and also inferences to be drawn from facts that are not in dispute. Therefore, it is inappropriate to grant summary judgment. The issue raised by the motion will be considered at the trial on the merits which is scheduled for April 24, 2003. The motion for summary judgment is denied.

IT IS SO ORDERED.



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THE HON. JAMES G. MIXON  
U. S. BANKRUPTCY JUDGE

04-01-03

DATED: \_\_\_\_\_

cc: Renee S. Williams, Trustee  
Jack Gooding, Esq.  
Mike Kinard, Esq.  
Debtor